

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-31588 - APPLICANT: LAMAR ADVERTISING - OWNER:
BEARD FAMILY TRUST**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Variance (V-0136-95), if approved.
2. This Variance shall be placed on an agenda closest to January 17, 2012 at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. Only one advertising sign is permitted per sign face.
5. If the existing off-premise sign is voluntarily demolished, this Variance (V-0136-95) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a required review of an approved Variance (V-0136-95) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where such use is not permitted at 3920 West Sahara Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/24/69	The Board of Zoning Adjustment approved a request for a Variance (V-0024-69) to allow an outdoor recreational facility on property located on the northeast corner of Sahara Avenue and Las Verdes Street.
11/25/72	The Board of Zoning Adjustment approved a request for a Variance (V-0022-72) to allow the rental of one truck and five trailers on property located at 3913 West Sahara Avenue.
11/17/76	The Board of Zoning Adjustment approved a request for a Variance (V-0071-76) to allow the rental of trucks on property located at 3920 West Sahara Avenue.
11/15/95	The City Council approved a request for a Variance (V-0136-95) to allow an Off-Premise Sign (Billboard) where such use is not allowed. The Board of Zoning Adjustment recommended denial on 09/26/95.
05/27/97	The City Council approved a request for a Rezoning (Z-0029-97) from C-C (Neighborhood Commercial Center) to C-1 (Limited Commercial) due to a revision to the City of Las Vegas Zoning Ordinance that no longer has the C-C (Neighborhood Commercial Center) zoning district. The Planning Commission recommended approval on 04/24/97.
01/17/01	The City Council approved a request for a Required Review of an approved Variance [V-0136-95(1)] to allow a 14-foot by 48-foot Off-Premise Sign (Billboard) where such use is not permitted.
07/17/02	The City Council approved a request for a Special Use Permit (U-0053-02) to allow a Minor Automotive Repair Facility located at 3920 West Sahara Avenue. The Planning Commission recommended approval on 06/13/02.
03/17/03	The Planning and Development Department approved a request for an Minor Site Development Plan Review (SDR-1167) for the conversion of an existing retail building for use as a Minor Automotive Repair Facility.
08/13/03	A Vehicle Infraction (2715) was processed for vehicles for sale on an empty lot at 3920 West Sahara Avenue. The case was never closed.
05/12/04	A Code Enforcement case (14751) was processed for a Sahara Avenue sign sweep. The case was closed on 10/26/04.

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09/13/04	A Vehicle Infraction (21525) was issued for a blue Chevy Pickup abandoned on an empty lot at 3920 West Sahara Avenue. The case was closed on 09/13/04.
04/19/06	The City Council approved a request for a Required Review (RQR-11432) of an approved Variance (V-0136-95) which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where such use is not permitted. The Planning Commission recommended approval on 03/23/06.
01/08/09	GPA-32167 (General Plan Amendment) and Rezoning (ZON-32168) applications are scheduled to be heard by the Planning Commission for a request to Amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial); and to Rezone from C-1 (Limited Commercial) to C-2 (General Commercial).
01/22/09	The Planning Commission will hear a request for a Special Use Permit (SUP-32548) for a proposed Motor Vehicle Sales (Used) Establishment with a waiver to allow a 23,900 square-foot parcel where 25,000 square feet is the minimum required at 3920 West Sahara Avenue.
01/22/09	The Planning Commission will hear a request for a Site Development Plan Review (SDR-32549) for a proposed Motor Vehicle Sales (Used) Establishment on 0.55 acres at 3920 West Sahara Avenue.
<i>Related Building Permits/Business Licenses</i>	
12/21/95	A building permit (95885147) was issued for an Off-Premise Sign (Billboard) at 3920 West Sahara Avenue. The permit was finalized on 02/20/96.
12/29/99	A building permit (99024647) was issued to replace service on the sign. The permit was finalized on 01/11/00.
03/20/03	A business license (G02-00625) was issued for a Garage, Minor Auto Repair at 3920 West Sahara Avenue. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A Neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
12/02/08	Staff conducted a field inspection of the site with the following observations: <ul style="list-style-type: none"> • The subject billboard had no embellishment, animated signage, or electronic displays. • All structural elements have been properly screened. • The sign and supporting structure is in good condition and does not require repainting or bird deterrents.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.55

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Garage, Minor Auto Repair Shop	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not in public right-of-way	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in the C-1 (limited Commercial) zoning district	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size and has no embellishments	Y

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Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements of the sign are adequately screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is not located along US-95 and is more than 300 feet from another Off-premise Sign	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is more than 300 feet to the nearest property line of a lot in any "R" or "U" zoning district.	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

ANALYSIS

This is the third Required Review since the initial approval of the Variance (V-0136-95), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) where such use was not allowed. The sign was constructed in 1996 in a CC (Neighborhood Commercial Center) zoning district, which did not permit Off-Premise Signs (Billboards). In 1997, the Zoning Ordinance changed the subject site to a C-1 (Limited Commercial) zoning district, which permits Off-Premise Signs with the approval of a Special Use Permit. The subject sign is a legally non-conforming use by the approval of the Variance.

A research of the building permit activity found that the billboard was constructed under sign permit #95885147 and received a final inspection on 02/20/96 under the address of 3920 West Sahara Avenue. During a site visit, staff found the sign and supporting structure in good condition.

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The Planning Commission will hear requests for entitlements on 01/08/09 for a General Plan Amendment (GPA-32167) and Rezoning (ZON-32168), and for a Site Development Plan Review (SDR-32549) and Special Use Permit (SUP-32548) for a proposed Motor Vehicle Sales (Used) Establishment on 01/22/09.

FINDINGS

The sign is located within a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Exclusionary Zone. Though entitlements have been requested, the proposed General Plan Amendment and Rezoning applications would not prohibit an Off-Premise Sign, nor would the redevelopment of the existing use to a Motor Vehicle Sales (Used) Establishment. Although the request for entitlements have not yet been approved, staff finds that the continuation of this Off-Premise Sign (Billboard) at this location is not encouraged over the long term, as it is not conducive to proposed redevelopment on this site. Staff recommends approval of this request subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 303

APPROVALS 0

PROTESTS 1